OFFICIAL COMMENT TO THE FCC

RE: EB Docket No. 04-296
Review of the Emergency Alert System

These comments submitted via FCC ECFS on Thursday, October 28, 2004.

The following comments are the sole opinion of Gary E. Timm, and are not necessarily those of the other members of the Wisconsin SECC or the Wisconsin Amber Alert Committee.

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( ) Numbers below reference the paragraph numbers in the NPRM.

(22) & (23)
Since **FCC, DHS, FEMA, and NOAA** all have a role in EAS, all of these organizations **should remain actively involved in the EAS** at the federal level. Concurring with the recommendation of PPW, an organization including membership from all of the aforementioned agencies, it would make sense to **establish DHS as the lead agency on EAS**. That being said, it should be stressed that decisions should be taken with the full input and cooperation of all of these agencies mentioned. DHS should be acting to facilitate, not dictate. All federal stakeholders should "have an equal vote" as it were. Further, the **FCC should remain the "legal authority" with jurisdiction over the EAS**. Any new rules regarding broadcasting and cable TV should merely be incorporated by the FCC into its current rules. Finally, it is imperative that a **public/private partnership**, along the lines of the former EAS National Advisory Committee (NAC), be established immediately, to aid DHS and the other federal agencies in writing the revised EAS Rules. This committee should continue into the future, and not be disbanded at any point, as was the fate of the NAC. The federal government needs the input of those "in the trenches". To underscore, since DHS would be a new agency taking on a new task, it's inexperience in this field should be counter-balanced by mandated full decision-making involvement of FCC, FEMA, and NOAA, as well as mandated input from the new public/private partnership committee.

If the federal government really wants to make EAS work, I have a new concept. The federal lead agency on EAS (DHS?) should develop a system of **State EAS Liaisons** at this federal agency. This would be a group of perhaps 10 people at DHS, each responsible for 5 states. This person would aid those 5 states in State EAS Plan development (see #25), developing multi-state plans and inter-state compatibility (see #25), and be the general "go-to" person for those states' EAS questions and needs. As I will state below, I do not feel a "one size fits all" federally-mandated State EAS Plan will

work. However, this State EAS Liaison can certainly take a federal State EAS Plan model, and help his/her states conform their existing plans to this model.

(24)

Should state and local EAS participation be mandated?

On the surface, it may seem that state and local EAS participation should be mandated, however, this brings up additional questions.

- Who must EAS alerts be accepted from? County officials, city, village?
- What counties must EAS alerts be accepted from? Only the station or cable operator's County of License? All surrounding counties?
- What EAS codes must be forwarded? Only CEM? Any requested code?
- How long can the broadcaster or cable operator delay broadcasting the message? Must it be done immediately, or is there a window of time?
- If local alerts are sent via a background channel, would this mandate require broadcasters and cable operators to purchase a receiver for this system?
- Where would a broadcaster or cable operator seek redress if a local official repeatedly demanded alerts that could be considered insignificant?

Could one national standard be established which would adequately address these issues in all areas of the country? In light of these questions, **state and local EAS participation should remain voluntary** at this time.

Should the rebroadcast of some EAS codes be mandated?

Again, this raises questions beyond just mandating codes:

- What originator's codes must be relayed? Local authorities? State authorities? DHS? NWS?
- What counties must EAS alerts be relayed for? Only the station or cable operator's County of License? All surrounding counties?
- How long can the broadcaster or cable operator delay broadcasting these codes? Must they be relayed immediately, or is there a window of time?
- Would broadcasters and cable operators then be required to do additional monitoring to listen for these mandated codes?

Again, could one national standard be established which would adequately address these issues in all areas of the country? In light of these questions, **no new EAS Event Codes should be designated for mandated rebroadcast** at this time.

Regarding both the rebroadcast of local alerts and certain Event Codes… it is obvious by the many proposals in this docket that emergency alerts will soon be delivered via numerous electronic means. It would seem that broadcasters and cable operators will increasingly want to carry local alerts and most Event Codes just to stay competitive with the other new delivery means, without these actions being mandated.

(25)

It would seem logical that the federal government should **require that State EAS Plans be developed**, otherwise how can EAS work. However, **there is an issue here**. The current SECC system is all voluntary. If no one steps forward to volunteer to put together the State EAS Plan, who is it that the federal government holds responsible and

forces to establish this State EAS Plan, if no one volunteers to do it? I'm not sure what the answer to this question would be, if State EAS Plans were to be mandated. To encourage involvement, should State EAS Plan developers be compensated for their time by the federal government? Should the federal government implement a State EAS Plan in a particular state, if no one voluntarily steps forward to develop one? This is where my concept of a DHS **State EAS Liaison** could make a difference. The Liaison could personally advocate within the state for volunteers to step forward. In the absence of volunteers, this Liaison would at least have firsthand knowledge of the surrounding State EAS Plans, in order to develop a mandated plan for that state that integrates well with the surrounding states.

Regarding **mandated federal guidelines or standards** for State EAS Plans, it would seem we already have these standards. The FCC model of NP, SP, SR, and LP distribution entities (whether those be broadcast stations, NOAA Weather Radio, or background channels) seems to be an adequate overall existing guideline. How these distribution entities are assigned in a particular state should be up to that state's SECC (in cooperation with the DHS **State EAS Liaison**?). I DO NOT feel a "one size fits all" federally-mandated State EAS Plan is a workable concept. Certainly guidelines and overall goals (getting the message to the public) should be set by the federal government, but the methods for complying with these goals should not be dictated or limited to one model of distribution. For example, the infrastructure in some states may support distribution of all EAS messages by background channels, while in other states state-owned broadcast stations with wide coverage areas are used. While multiple distribution channels should always be the goal, the federal government should not mandate specific distribution means, such as background channels or satellite distribution, unless the federal government is prepared to provide funding for such mandates.

Regarding, "should multi-state regions be defined and plans developed for them?"
Yes, **multi-state regions should be defined**, and one of my DHS **State EAS Liaisons** assigned to help the region develop plans. As to the second part of the question, as a State EAS Committee Chairman, I do not want the federal government developing any EAS plans "for me"!! I would be happy to work with a proposed DHS **State EAS Liaison** to help integrate our state plan with surrounding state plans, but **I can not agree with "developed for them".**

(26)
Regarding **whether uniform national guidelines are preferred** over the disparate manner in which states and localities implement EAS…
There seems to be a preponderance of "mandated", "should require", and "developed for them" type questions in this docket. Please keep in mind that all SECC positions are staffed by volunteers. Taking away the ability to "do what works" in each particular state may well drive some SECC volunteers to quit. Overall, please be thinking **guidelines and models, not edicts and total, inflexible uniformity across the nation.**

Regarding whether NOAA Weather Radio (NWR) should be a required monitoring source…

If NWR monitoring is to be mandated, then it would only follow that certain weather Event Codes should also be mandated to justify this required monitoring. See comments at #24 regarding the many questions posed if Event Codes were to be mandated. In light of these questions, **NWR monitoring should not be required**. However, the federal government can and should foster increased NWR monitoring by **implementing the distribution of the EAN message on NWR**. Making NWR a source of EAN alerts would then allow SECC's to stipulate NWR as a required monitoring assignment, to replace one of the existing broadcast station assignments (since FCC Rules require that the two mandated monitoring assignments must provide the EAN message). Certain states have already implemented NWR as a mandated EAS monitoring assignment, by installing an EAS Encoder/Decoder at individual NWS offices to monitor other sources for the EAN message. While this accomplishes the mission, a $2000 EAS unit at every NWS office in the country does not seem practical. The federal government, by implementing the EAN message on NWR nationwide, could go a long way to driving NWR as a required monitoring assignment, without stipulating it as an additional monitoring assignment beyond the two sources already required, at additional cost to EAS participants. With the advent of DHS alerts on NWR, the next step of including EAN messages on NWR would be a logical progression.

(27)
Satellite EAS distribution would certainly be helpful for EAS message distribution at all levels of EAS if this satellite EAS distribution was offered by the federal government. However, such distribution should not be mandated to the states, unless the federal government plans to fund this downlink infrastructure within each state.

The **PEP EAN distribution method should be dropped as a primary distribution means**. It could be maintained as a back-up, since federal funds have already been spent to establish it. **To replace the PEP network**, the primary means for distributing the EAN should be via **NOAA Weather Radio** (see #26), and the **radio and TV networks** "cue" channels*, as well as the **national wire services**. The radio and TV networks and the wire services should never have been dropped from the EAN network, and should again be re-connected to the EAN distribution network as soon as possible**. Further, the new DHS alerts should be distributed in this exact same manner as well**. DHS alerts on NWR is a good start; the redundancy of adding the radio and TV networks and wire services to DHS alert distribution is imperative. This upgrading of the EAN and DHS Alert distribution should be JOB #1. It is easy to do, and in the times we are living, should be done immediately.
*National Public Radio has been distributing the EAN Network on its "Squawk" channel for years. Wisconsin uses both the NPR feed and a PEP station for its National EAS monitoring, and finds the NPR feed far more reliable than PEP reception. As an added note, NPR sends a RWT test on this channel, which provides a weekly confirmation of the connection. This type of testing needs to be instituted on all National EAS distribution paths (see #43).

(28)

Regarding requiring the upgrading of EAS Encoder/Decoders to include the 2002 Event Codes and Marine Location Codes…

A number of changes need to be made to the EAS Event Code and Marine Location Code lists, in order to make the 2002 changes truly usable:

1) In the 2002 ruling, the FCC only adopted a general Location Code for all U.S. bodies of water. These codes are totally useless as adopted. For example, the Location Code adopted for Lake Michigan is "92000". In actual use, the codes sent by NWS are specific codes to describe specific areas, such as code 92644 describes "Nearshore waters of Lake Michigan from Port Washington to Milwaukee". The code 92000 is never sent by NWS. It's adoption was useless. In order for the EAS to work in states bordering U.S. waters, **the federal government should mandate that EAS equipment manufacturers incorporate all 416 Marine Codes** and their corresponding descriptions into their EAS unit upgrades. Only then will Marine Codes be useable in EAS alerts. Note that one EAS unit manufacturer, Sage Alerting, has already included all 416 Marine Codes in its EAS unit upgrade chip; all other manufacturers should now follow suit.

2) In 2002, the SBE advocated for Cancellation codes, but none were adopted**. At least one general Cancellation Code should be adopted**. Note that for DHS alerts via NWR, DHS and NWS have stipulated the ADR, Administrative Code, to be used for cancellations. This would support that there is a need for a unique Cancellation Code.

3) With requests from all quarters of EAS originators and users for more specific-area alerts, **the federal government should include in its rules the use of State Code Subdivisions**. These are modeled on the 1/9th County codes, but would be used in front of a State Code to stipulate an alert for 1/9th of a state. An example would be, code 955000 would represent all of Southeast Wisconsin. This concept has in fact been in use in Wisconsin for Amber Alerts since the inception of that program, and has been found to be compatible with all manufacturers EAS units. Therefore, adopting State Code Subdivisions would merely be codifying a concept which all boxes are already capable of doing, not creating any new programming for EAS equipment manufacturers. State Code Subdivisions would allow all states to regionalize situations like Amber Alerts, where currently, statewide alerts distribute the alert to areas unaffected by the situation. It should be noted that although this same effect can be achieved by stringing numerous county codes together, in most states only two EAS Areas of the state could be alerted in one single EAS message due to the 32 Location Code limit of an EAS message. State Code Subdivisions solve this limitation.

Once all of these upgrades are included in the EAS rules, stations and manufacturers should be given 6 months to upgrade to the new rules. One problem that was experienced with the EAS Code changes in 2002 is that with the voluntary nature of the upgrades, most manufacturers were quite slow to make the upgrades available to their customers. This needs to be addressed with any future EAS rule changes requiring EAS unit upgrades. Perhaps the federal government needs to institute a policy to "re-certify" each manufacturer's EAS units, or some other means to force manufactures to make these upgrades available in a timely manner.

(29)

Regarding how digital technology can be used to enhance warnings…

As SBE stated in 2002, **we need to be able to send text as part of an EAS alert**. Whether that involves moving into the CAP protocol, or whether text somehow gets attached to the traditional EAS header code, is probably a job for the new public/private partnership committee to sort out. This text ability is sorely needed. Those of us on the SECC's are constantly fielding calls asking "why was only a generic Amber Alert message crawled on TV, when the voice message had more specific information?". Text capabilities need to be incorporated as an integral part of all EAS alerts as soon as possible.
See also #30, regarding the text capabilities of the **digital technologies** of DTV and HD Radio, and for the very important concept that **FCC requirements for EAS Encoder/Decoders should be changed** to enable better integration of the EAS unit with the transmission of EAS alerts via the current technology of RBDS, as well as these new digital technologies.

DBS and DARS should be included in national EAS alerting (EAN and DHS Alerts) immediately. The public/private partnership committee should be tasked with investigating whether a method can be developed to incorporate DBS and DARS into local alerting.

Regarding upgrading cable TV set top boxes…
Upgrading cable TV set top boxes to act as in-home alerting devices should be another top priority in the upgrade of EAS. Here is a device that is already in the home and connected to the outside world. It can be addressed only for an alert in that specific area, and can be turned on when the alert is received (see #34). In light of this capability, cable TV head ends should perhaps play more of a role in distributing EAS alerts, particularly at the local level (see #42).

(30)
Regarding should EAS be incorporated into all programming streams on DTV and HD Radio…
For DTV, since this digital broadcasting method incorporates a means to send text information, it would seem to make the most sense to **send EAS messages as text**, and let the individual user decide whether or not to utilize this alerting feature. This would allow the alert to be user-selected, and to appear on all streams, or no streams.
For HD Radio, being an aural medium, **EAS should be required on all streams**. Text display should also be utilized. Text protocols for HD Radio are currently being written by NRSC. Close coordination with NRSC should be established as soon as possible to contribute to the development of an HD Radio text standard that integrates with EAS.
FCC requirements for EAS Encoder/Decoders should be changed to enable the EAS unit to provide the technology necessary for transmission of EAS alerts via HD Radio and RBDS. This would require EAS manufacturers to provide on the FCC-mandated RS-232 output port a **"bare-minimum" version of the alert, in ASCII text.** An example of a "bare-minimum" message would be, "Tornado Warning for Milwaukee County until 4:00 PM". This "bare-minimum" message is needed, as RBDS Radio Text messages are limited to 64 characters, and HD Radio messages should be as condensed as possible as well. The current EAS unit text outputs contain far too much text to present in a 64-

character message on RBDS. Secondly, manufacturers should be required to **provide an output relay closure when the unit is sending a real alert**, but this closure should not operate for any test, such as the RWT, or RMT. This closure is needed to cause the station RBDS encoder to temporarily change the station PTY Code to 31, which will signal RBDS receivers to display "Alert" and interrupt CD or tape playback to relay the alert to the listener. This is a feature found on most RBDS car radios, but broadcasters currently have no way to utilize it without a specific closure from EAS units when sending only a real alert. Invoking this feature for every weekly RWT would certainly raise listener objections. These EAS unit upgrades would improve EAS alert delivery over current technologies, as well as future technologies.

(31)
Regarding, **is over the air radio and TV sufficient to distribute EAS**…
As noted in my comments on #26 & 27, NWR should become more involved in national EAS alerting. In Wisconsin, as in some other states, plans are currently being developed for local county governments to request alerts be broadcast over NWR. This is certainly a concept that should be promulgated nationwide. As noted in my comments on #29, cable TV should be utilized more as a conduit for local alerting, and the new digital DTV and HD Radio services, as well as DBS and DARS, should be incorporated into EAS alerting. The new public/private partnership committee should investigate involving all services licensed by the federal government into EAS alerting.

(32)
Regarding incorporating cellular phone networks in EAS…
The current updating of the EAS should keep in mind the incorporation of an alerting protocol such as CAP, which will **allow the inclusion of cellular telephone and paging systems into the EAS network.**

(35)
Radios, televisions sets, and cable TV boxes should be equipped with the capability to **automatically turn on** when receiving alerts, with a user option to either utilize this feature or not, and to program the local area.

(36-39)
To improve alerting of the disabled, the greatest improvement would be adding text capability to EAS alerts, as referred to in #29. Further, adding a Cancellation Code, and specifically defined Marine areas to the rules (see my comments at #28), would improve the generic TV crawl message. Membership on the public/private partnership committee should be recruited from the disabled community, to fully understand and help address their issues.

(40)
Improving EAS delivery to **non-English speaking audiences**…
Membership on the public/private partnership committee should be recruited from the non-English speaking broadcast community, to fully understand and help address their issues.

(42)
Location of EAS equipment…
As mentioned in my comments on #29, cable TV head ends are a resource that has been somewhat overlooked in getting particularly local alerts to the public. Location of **more local EAS equipment at cable TV head ends** should be considered.

Regarding EAS equipment at presently exempt broadcast operations…
EAS encoder/decoders **should be mandated at all broadcast facilities**, including repeater and satellite broadcast stations, LPFM, LPTV, and all other broadcast facilities.

(43)
Regarding national EAS testing…
Yes, the **national EAS should be tested end to end, at least yearly**. You asked about a special code? You already created one; it is NPT, National Periodic Test. These tests could be worked into the State EAS Plans as well. It was noted in my comments on #27, that NPR sends the RWT on its channel providing EAN messages, and this is a most useful continuity check. This type of testing needs to be instituted on all National EAS distribution paths.